

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHNNY L. TRIPLETT,

Plaintiff,

v.

No. 05-2432 B

SHELBY COUNTY DIVISION
OF CORRECTIONS,

Defendant.

ORDER DENYING AS MOOT MOTION OF DEFENDANT SHELBY COUNTY
DIVISION OF CORRECTIONS TO DISMISS OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT

Pending on the Court's docket is the September 22, 2006 motion of the Defendant, Shelby County Division of Corrections, to dismiss or, in the alternative, for summary judgment on the grounds that it is not a cognizable legal entity. In his response, the Plaintiff, Johnny L. Triplett, acknowledged that this Defendant was "mistakenly named as the proper party in this cause." (Resp. to Def.'s Mot. to Dismiss, or in the Alternative, Mot. for Summ. J. at 2) On April 16, 2007, the Plaintiff filed an amended complaint which did not name the Shelby County Division of Corrections as a Defendant.¹ Therefore, as the movant is no longer a party to this case, its motion to dismiss or, in the alternative, for summary judgment is DENIED as moot.

IT IS SO ORDERED this 20th day of June, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹The amended complaint identified as Defendants the Shelby County Government and various employees thereof, along with employees of the Shelby County Division of Corrections.

